

APPROVED MINUTES
MEETING OF AFTON CHARTER COMMISSION
June 29, 2009
7:00 p.m.

Present: Tony Berg , Julianne Berg, Bonnie Blackley, Lynn Farley , Mike Frichol, Tom Giannetti, Rock Gjeremo, Jon Kingstad, Kenn Kopitzke, Kathleen McGinn (arrived 7:45 p.m.), Debbie Nelson, Carol Wiessner.

Absent: John Barclay, Dan Oehlke

Vice-chair Tony Berg called meeting to order at 7:07 p.m.

Roll call: A quorum having been indicated as present so Vice-Chair Tony Berg called the meeting to order.

Treasurer's report: Treasurer was absent so there was no Treasurer's Report.

Old Business:

The Commission resumed its review of the Draft Charter from the last meeting beginning with Chapter 3.

Section 3.01: Carol Wiessner moved to amend the second from the last sentence from "Any person can have access at reasonable times to the minutes and records of public meetings." To read: "The council shall make minutes and records of public meetings available to members of the public." Mike Frichol seconded. Motion approved 11-0.

Carol Wiessner moved to add "to assume their duties" at the end of the first sentence of Section 3.01 to read: "The council must meet prior to its first scheduled council meeting in January following a regular municipal election at its usual place and time of meeting **to assume their duties.**"

Mike Frichol seconded. Motion approved 11-0.

Section 3.02: No change.

Section 3.03. Bonnie Blackley pointed out a typographical error the "w" missing from "hich". Tony Berg moved to amend the second sentence as follows:

"A majority of all members elected constitutes a quorum to do business, but a smaller number can adjourn ~~from time to time.~~ **the meeting to a different date.**"

Kenn Kopitzke seconded the motion. Motion approved 11-0.

Carol Wiessner moved to strike the last sentence of section 3.03. "The council can provide by ordinance a means by which a minority can compel the attendance of absent members." Tony Berg seconded. Motion approved 11-0.

Section. 3.04 and Section 3.05. Jon Kingstad moved to combine sections 3.04 and 3.05 into a single section 3.04, eliminate the first sentence of section 3.05 and renumber the paragraphs into subsections 1, 2 and 3 to read as follows:

Subsection 1. All legislation must be by ordinance, unless otherwise stated in this Charter. The votes on ordinances, resolutions, and motions must be recorded unless the vote is unanimous, in which case the vote must be recorded as being unanimous. An affirmative vote of a majority of all council members is required for the passage of ordinances and resolutions, unless otherwise provided by this Charter. ~~Unless this charter or state law provides otherwise, legislation must be enacted by ordinance, and an ordinance must be approved by a majority of all council members.~~ An ordinance must be presented in writing. The enacting clause of an ordinance is: "The City of Afton ordains:". Except for an emergency ordinance, an ordinance cannot be adopted at the meeting when it is introduced, and at least seven days must elapse between introduction and adoption.

Subsection 2. An ordinance passed by the council must be signed by the mayor or acting mayor and attested to by the city ~~clerk~~ **administrator**. An ordinance must be published at least once in the official means of publication. The city council may by the affirmative votes of at least four members approve publication of only the title and a summary of an ordinance, in the same manner as statutory cities.

Subsection 3. An emergency ordinance and an ordinance that is not subject to initiative and referendum under **Section 5.01** are effective immediately upon passage or at a later date stated in it. Other ordinances adopted by the council are effective 30 days after publication or at a later date stated in them. An ordinance adopted by the voters is effective immediately upon adoption, or at a later time stated in it.

Tom Giannetti seconded the motion. Tony Berg offered a friendly amendment to renumber sections 3.06 and 3.07 to section 3.05 and section 3.06. This was accepted.

Motion approved 11-0.

Section 3.06 (former section 3.07): Rock Gjerme moved to add the following language to section 3.06:

“Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or the unanimous vote of the all members of the city council.”

Tony Berg seconded. Motion approved 11-1, Bonnie Blackley voting nay.

Section 3.05 (former section 3.06): Jon Kingstad moved to amend the first sentence of this section to read: “An emergency ordinance is an ordinance necessary for the

immediate preservation of the public peace, health, morals, safety or welfare of the city **which is valid for a period of no longer than 90 days from the date of its adoption.**”

Rock Gjermo seconded.

Motion voted down: 6 against 5 in favor.

Mike Frichol moved the following sentence to section 3.06:

“Every emergency ordinance shall be automatically repealed on the 61st day following the date on which it was adopted but this shall not prevent re-enactment of the manner specified in this section if the emergency still exists.”

And to add subsections to section 3.06 so it will read:

Subsection 1. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare of the city. Every emergency ordinance shall be automatically repealed on the 61st day following the date on which it was adopted but this shall not prevent re-enactment of the manner specified in this section if the emergency still exists.

Subsection 2. The emergency must be defined and declared in its preamble and must be adopted by a vote of at least four members of the council. No prosecution can be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the **city administrator** and posted in a conspicuous place at the city hall or until the ordinance has been published, unless the person charged with a violation had actual notice of the passage of the ordinance before the violation.

Julianne Berg moved to amend the First sentence of section 3.06 subdivision to read:

“The emergency must be defined and declared in its preamble and must be adopted by a vote of at least ~~four~~ **three** members of the council. “

Kate McGinn seconded. A friendly amendment was offered by Carol Wiessner and accepted to rephrase the sentence as follows:

“Such ordinance must be adopted by a vote of at least three members of the council and contain a preamble which defines and declares the emergency.”

Motion failed to pass by vote 6-6.

Carol Wiessner offered the following motion to amend the sentence as follows:

“Such ordinance must be adopted by at least four members of the council and contain a preamble the defines and declares the emergency.”

Jon Kingstad seconded the motion. Motion was adopted by a vote of 8-4.

Kate McGinn moved to strike the term “morals” from section 3.05 (formerly 3.06) so that the sentence would read:

“An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, ~~morals~~, safety or welfare of the city.”

Section 3.06 (formerly section 3.07): No changes.

Section 3.07 (formerly section 3.08): Carol Wiessner made a motion to amend the last sentence of this section to read as follows:

“An ordinance provision not previously published will be effective if it is included in the recodification and if a notice is published in the official means of publication for two successive weeks stating that copies of the code are available at city hall or the website.”

The motion was then withdrawn after discussion and Carol Wiessner made a motion to strike the last sentence. Rock Gjeremo seconded the motion. The motion was approved 12-0 striking the following sentence from former section 3.08 (renumbered to section 3.07):

“Publication in a code is sufficient publication of any ordinance provision not previously published if notice that copies of the codification are available at the council secretary’s office and it is published in the official newspaper for at least two successive weeks.”

Section 3.08 (formerly section 3.09). Rock Gjeremo noted that the “e” before “proposed comprehensive plan” in the second sentence of subsection 2 was missing and then made a motion to strike the term “municipal” before “comprehensive plan”. Jon Kingstad seconded the motion. The motion was approved 12-0.

Chair Kate McGinn polled the commission members about availability for meetings in July and announced that the next meeting would be July 13 at 700 p.m.

The meeting was then adjourned on a unanimous vote on motion by Jon Kingstad, second by Kenn Kopitzke at 9:25 p.m.

Respectfully submitted,
s/ Jon Erik Kingstad